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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,265

02/24/2004

Daniel Buri

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06/08/2006

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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,265	BURI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Evan H. Langdon	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/9/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Paragraph 38, line 14, "mount 14" should be changed to ---mount 13---.

Paragraph 44, line 15, "spindle 17" should be changed to ---spindle 19---.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "a respective" in line 12. There is insufficient antecedent basis for this limitation in the claim.

In regards to claim 6, line 3, "in or parallel in to the plane" renders the claim indefinite.

Claim 8 recites the limitation "a respective" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said turning bar" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In regards to claim 18, line 8, "said of said first turning bar" renders the claim indefinite.

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In regards to claim 23, line 1, "another turning" renders the claim indefinite. Should be --  
-another turning bar---.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8-18, 23-24 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamlin (US 2,284,318).

1. A device for deflecting a web, comprising:

a shiftable turning bar 18;

a first turning bar holding means 14 connected with one axial end of the turning bar 18 for holding the turning bar;

a second turning bar holding means 14 connected with the other axial end of the turning bar 18 for holding the turning bar;

a first guide 8, the first turning bar holding means 15 being guided movably along the first guide;

a second guide 8, the second turning bar holding means 14 being guided movably along the second guide;

an adjusting means 12 for adjusting at least one of the first turning bar holding means and the second turning bar holding means along the respective first guide and the second guide in

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order to position the at least one of the first turning bar holding means 14 and the second turning bar holding means 14 for the shifting of the turning bar;

a manually operable connection 15 (Fig. 5) between the turning bar 18 and the first turning bar holding means 14 for manual separation and establishing a connection manually in order to separate the turning bar manually from the first turning bar holding means during a shifting of the turning bar and to connect the turning bar manually with the first turning bar holding means positioned in a shifted position.

In regards to claim 4, Hamlin discloses the connection of said turning bar with the first turning bar holding means is a snap-in connection (Fig. 5).

In regards to claim 5, Hamlin discloses the connection includes a mount 12 formed at one of the turning bar and the first turning bar holding means and a connecting element 15 accommodated in the mount is formed at the other of the turning bar and the first turning bar holding means, wherein the mount is open on one side so that the connecting element can be pivoted into the mount and can be pivoted out of the mount (Fig. 5).

In regards to claim 6, Hamlin discloses the mount is open on such a side that the connecting element 15 can be pivoted into the mount 12 and can be pivoted out of the mount in parallel to the plane of a web entering the device.

In regards to claims 8-11, Hamlin discloses the first and second turning bar holding means 14 displaceable along the guide 8, where the turning bar holding means is freely displaceable.

In regards to claims 13 and 14, Hamlin discloses the turning bar 18 is pivotable around an axis perpendicular to the plane of the web entering the device.

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In regards to claims 12, 15, 16 and 18 Hamlin discloses the first and second guides 8 having a circular cross-section (see Figure 5). It is inherent that the holder 12, which is slidable along guide 8, would also pivot out of a plane of the web entering the device, allowing the turning bar to pivot in a first axis about peg 15 and a second axis about guide 8.

In regards to claims 23 and 24, Hamlin discloses a second shift able turning bar 18.

With respect to claims 26 and 27, the method described in these claims would inherently result from the use of the device of deflecting a web of Hamlin as advanced above.

### *Claim Rejections - 35 USC § 103*

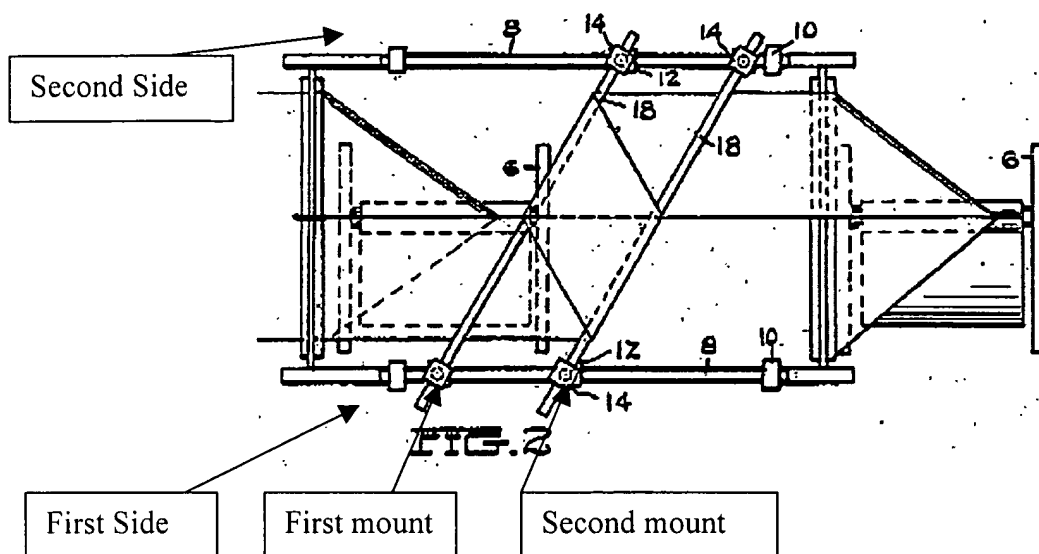
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin.

In regards to claims 19-22, Hamlin discloses the turning bars 18 can be removed from the mounts 12 while the mounts are adjusted along the guide 8, the reconnected. Hamlin discloses two mounts 12 on a first side and two mounts on a second side (Fig. 2), but fails to disclose the first turning bar attached to the second mount.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the first turning bar of Hamlin in the second mount on the same respective side to provide more arrangements of the turning bars (see below).



Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Eckert (US 5,357,859).

Eckert teaches an adjusting means comprising an adjusting motor 83, 75 for adjusting at least one of a first turning bar holding means 42 and a second turning bar holding means 36, and the adjusting means comprises an adjusting spindle 73, 74 with which the at least one of the first turning bar holding means and the second turning bar holding means can be adjusted by means of a screw joint for adjustment along a joint axis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adjusting means of Hamlin to include an adjusting motor and adjusting spindle as suggested by Eckert, to accurately shift the turning bar.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Hajeck et al. (US 5,121,910).

Hajeck teaches to pairs of turning bars.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hamlin to include a second pair of turning bars as suggested by Hajeck, to more accurately deflect that material.

***Allowable Subject Matter***

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ehl



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**PRIMARY EXAMINER**